

PTO/SB/30 (08-00)

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/121,239
Filing Date	July 23, 1998
First Named Inventor	HARVEY et al.
Group Art Unit	1635
Examiner Name	Schmidt, M.M.
Attorney Docket Number	GP091-02.UT

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on November 12, 2002  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0835, in the name of Gen-Probe Incorporated
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other any additional fee(s) required under 37 CFR 1.16 and 1.17
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Christine A. Gritzmacher	Registration No. (Attorney/Agent)	40,627
Signature	<i>Christine A. Gritzmacher</i>	Date	December 9, 2002

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, facsimile number 703-872-9307, on: **December 9, 2002**

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09-DEC-2002 03:03PM

FROM-Gen-Probe Incorporated - Patent Dept.

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Number of pages (including this cover page): 3

Applicants:	HARVEY <i>et al.</i>	)	Examiner: Schmidt, M. M.
		)	
Serial No.	09/121,239	)	Group Art Unit: 1635
		)	
Filed:	July 23, 1998	)	Confirmation No. 3098
		)	
For:	METHODS FOR DETECTING	)	Docket No. GP091-02.UT
	AND MEASURING SPLICED	)	
	NUCLEIC ACIDS	)	Date: December 9, 2002

Transmitted herewith:

Request for Continued Examination (RCE) Transmittal (1 pg. in duplicate, 2 pgs. total).

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Date: December 9, 2002

By: Christine A. Gritzmacher  
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